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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/692,663	10/20/2000	Jonathan J. King	STE01 P-1069	7520

277 7590 07/12/2005

PRICE HENEVELD COOPER DEWITT & LITTON, LLP  
695 KENMOOR, S.E.  
P O BOX 2567  
GRAND RAPIDS, MI 49501

EXAMINER

AMIRI, NAHID

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/692,663

Applicant(s)

KING ET AL.

Examiner

Nahid Amiri

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 and 11-31 is/are allowed.
- 6) ☒ Claim(s) 7-9 and 32-33 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***RCE***

This office action is in response to the amendment/request for continued examination (RCE) dated 14 April 2005. The applicant's submissions are sufficient to overcome all of the previous grounds of rejection. Accordingly, these grounds are withdrawn. However, the case is not in condition for allowance in view of the new grounds of rejection set forth below.

### ***Response to Amendment***

In view of Applicant Amendment received 14 April 2005, amendments to the claims have been entered. Claims 1-33 are pending.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7-9 and 32-33 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,341,457 Aerts et al.

In regard to claims 7-9 and 32-33: Aerts et al., discloses a partition (1000) (Figs. 75-80) including a partition frame having a horizontally extending upper frame member defining an upper edge of the partition frame, having a pair of horizontally spaced apart vertical frame members, having an upper end thereof secured to the upper frame member; (Fig. 58) the partition frame having at lower portion a foot (256) to abuttingly support the partition frame freestanding

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on a floor surface; (Figs. 62-65) (column 22, lines 53-60) having a U-shaped horizontally raceway (top channel) (940) on the top of upper horizontal frame member (816) that can be closed off with a top cap (110); a vertically extending support member including a connector (296) connected to the partition frame, the support member supporting the raceway (940) vertically spaced above the upper frame member; (Figs. 75-80) wherein the vertically extending support member including a first support member; and having a second vertically extending support member connected to the partition frame and supporting the raceway vertically spaced above the upper frame member.

### ***Response to Arguments***

Applicant's arguments with respect to claim 7-9, 32 and 33 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed 14 April 2005, with respect to claims 25-26 have been fully considered and are persuasive. The rejections of claims 25-26 have been withdrawn.

### ***Allowable Subject Matter***

Claims 1-6, 11-24, 27-31 stand allowed.

Claims 10 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 25-26 are allowed.

In regard to claims 25-26, the prior art does not show or suggest vertical frame having a vertical row of openings on each side face, and clip including a pair of extensions extending inwardly towards one another and received within selected ones of the openings on the opposite side faces, and a pair of flexible legs extending away from the extensions and defined a space therebetween, the legs having end portions positioned adjacent one another whereby the legs can be flexed apart to form an enlarged gap between the end portions. Bisping et al., 4,119,285 only

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teaches a clip in gripping contact with bar, and there is no reason to combine the either Rothschild 6,023,896, or Hands et al., 6,178,702, with that of Aerts et al.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 4,119,285      Bisping et al.


US Patent No. 6,648,280B1      Chong

US Patent No. 5,393,021      Nelson

US Patent No. 6,257,530 B1      Tsai

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nahid Amiri whose telephone number is (571) 272-8113. The examiner can normally be reached on 8:30-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Nahid Amiri  
Examiner  
Art Unit 3679  
June 24, 2005

Aaron Dunwoody  
Art Unit 3679  
